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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10 SOUTHERN DIVISION

11 SAIID MOHAMED,

12 Plaintiff,

13 vs.  
14

15 EXPERIAN INFORMATION  
16 SOLUTIONS, INC. and WELLS  
FARGO BANK, N.A.,

17 Defendant.  
18

Case No. 8:17-cv-01058-AG-JDE

ORDER GRANTING MOTION OF  
DEFENDANT WELLS FARGO  
BANK N.A. AGAINST PLAINTIFF  
TO COMPEL RESPONSES TO  
DISCOVERY AND REQUEST FOR  
SANCTIONS

19 On July 16, 2018, Defendant Wells Fargo Bank, N.A. (“Wells Fargo”)  
20 filed a Motion to Compel Responses to Discovery and Appearance at  
21 Deposition and Request for Sanctions (Dkt. 43-1, “Motion”) along with a Joint  
22 Stipulation in support of the Motion (Dkt. 43-2, “Joint Stipulation” or “Jt.  
23 Stip.”), electronically signed on behalf of counsel for Wells Fargo and Plaintiff  
24 Saiid Mohamed (“Plaintiff”).

25 In the Motion and the Joint Stipulation, Wells Fargo seeks an order  
26 compelling Plaintiff to: (1) respond and produce responsive documents, without  
27 objections, to Interrogatories, Set One and Requests for Production of  
28

1 Documents, Set One, (collectively, “Written Discovery Requests”) each  
2 propounded by Wells Fargo upon Plaintiff and as to which the time to respond  
3 has passed without responses having been served; (2) appear at a deposition  
4 after Plaintiff failed to appear at his previously noticed deposition; and (3) pay  
5 sanctions in the amount of \$3,864.65 representing a portion of the fees incurred  
6 by Wells Fargo in bringing the Motion and court reporter fees incurred as a  
7 result of Plaintiff’s failure to appear at his deposition.

8 In the Joint Stipulation, Plaintiff does not contest the evidence submitted  
9 by Wells Fargo that: (a) responses to the Written Discovery requests were not  
10 timely served; (b) Plaintiff failed to appear at his duly-noticed deposition; and  
11 (c) Plaintiff reasonably incurred \$3,864.65 in bringing this Motion and as a  
12 result of Plaintiff’s failure to appear at his deposition. Plaintiff’s counsel  
13 represents that counsel has not heard from Plaintiff since approximately April  
14 25, 2018 and as a result is seeking to withdraw as counsel of record for Plaintiff,  
15 with a Motion to Withdraw set for hearing on August 13, 2018.

16 Trial is scheduled to commence on October 23, 2018. The Final Pretrial  
17 Conference is scheduled for October 1, 2018. In light of those dates, the parties’  
18 dispositive motion and pretrial filing deadlines are rapidly approaching.

19 Because of the time urgency, and because Plaintiff, through counsel, does  
20 not dispute the factual underpinnings of the Motion, the Court finds that the  
21 Motion may properly be decided without any further supplemental memoranda  
22 under Local Rule 37-2.3 and further finds that the Motion is appropriate for  
23 decision without oral argument. See Fed. R. Civ. P. 78(b); Local Rule 7-15. As  
24 a result, the Court finds and orders as follows:

- 25 1. The Court finds that Plaintiff failed to provide timely responses to the  
26 Written Discovery Requests. Therefore, the Motion is GRANTED  
27 with respect to the Written Discovery Requests and Plaintiff is hereby  
28 ORDERED to provide verified responses to the Written Discovery

1 Requests, without objections, except for objections based upon a valid  
2 assertion of privilege, and produce all responsive documents by not  
3 later than 5:00 p.m. on Friday, August 3, 2018.

4 2. The Court finds that Plaintiff failed to appear a duly noticed deposition  
5 without justification. Therefore, the Motion is GRANTED with  
6 respect to Wells Fargo's request for an order compelling Plaintiff to  
7 appear for a deposition and Plaintiff is hereby ORDERED to appear  
8 and answer questions at a deposition at a date, time, and location  
9 (within the Central District of California) to be set by Wells Fargo's  
10 counsel, but not later than August 9, 2018. Wells Fargo's counsel shall  
11 meet and confer with counsel for Plaintiff to attempt to find a mutually  
12 agreeable date for the deposition, but if no such date can be agreed to,  
13 counsel for Wells Fargo may set the deposition by providing at least  
14 three (3) days' written notice to Plaintiff's counsel of the date, time,  
15 and location of the deposition.


16 3. Based upon Plaintiff's failure to appear at his deposition and failure to  
17 timely respond to the Written Discovery Requests, Wells Fargo is  
18 entitled to monetary sanctions in connection with the Motion and  
19 Plaintiff's failure to appear pursuant to Federal Rule of Civil Procedure  
20 Rules 37(a)(5)(A) and (d). The Court finds that Wells Fargo's attorney  
21 rates are reasonable, the hours expended were reasonably necessary to  
22 prepare the Motion, and the court reporter fees incurred as a result of  
23 Plaintiff's failure to appear were reasonable and reasonably necessary.  
24 As a result, the Motion is GRANTED with respect to sanctions, and  
25 Plaintiff, individually, is hereby ORDERED to deliver sanctions in the  
26 amount of \$3,864.65 to counsel for Wells Fargo by not later than 5:00  
27 p.m. on August 3, 2018.  
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1 Counsel for Plaintiff is directed to advise Plaintiff of the requirements set  
2 forth herein and serve a copy of this Order upon Plaintiff within three days of  
3 the date of this Order.

4 This Order is entered without prejudice to the parties jointly applying to  
5 alter the compliance deadlines set forth herein if intervening events warrant such  
6 a joint application.

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9 IT IS SO ORDERED.

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12 DATED: July 17, 2018

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15 JOHN D. EARLY  
16 United States Magistrate Judge  
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